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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,875	12/27/2001	Ryuji Nishiyama	HAN 125NP	6114

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EXAMINER

BRASE, SANDRA L

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 06/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,875

Applicant(s)

NISHIYAMA, RYUJI

Examiner

Sandra L. Brase

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-5,8 and 9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figure 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The disclosure is objected to because of the following informalities: the appropriate headings have not been used: on page 1, "Description" should be changed to "Title of the Invention"; on page 1, "Background Art" should be changed to "Background of the Invention"; on page 6, "Disclosure of the Invention" should be changed to "Summary of the Invention"; and on page 8, Best Mode for Carrying out the Invention" should be changed to "Detailed Description of the Invention". (M.P.E.P. 608.01(a))

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claims 2-5, 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 8 of claim 2, "previous" could be changed to "a previous".

On lines 9-10 of claim 2, it is unclear as to whether or not "the image formation" is the "previous continuous-image-formation" as claimed on line 8.

On line 10 of claim 2, "and" could be deleted.

On line 11 of claim 2, "and" could be inserted before the word "based".

On line 16 of claim 2, "limited number" could be changed to "predetermined number".

On line 23 of claim 2, "in that" could be changed to "wherein".

On line 5 of claim 3, "larger as much as possible" could be changed to "as large as possible".

On line 2 of claim 4, "only single of said temperature detecting means" could be changed to "said temperature detecting means consists of only a single temperature detecting means".

On lines 2-3 of claim 4, "only single of said heating means is provided" could be changed to "said heating means consists of only a single heating means".

On line 2 of claim 5 "is" could be inserted after the word "stores".

On line 2 of claim 8, "only single of said temperature detecting means" could be changed to "said temperature detecting means consists of only a single temperature detecting means".

On lines 2-3 of claim 8, "only single of said heating means is provided" could be changed to "said heating means consists of only a single heating means".

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On line 2 of claim 9, "is" could be inserted after the word "stores".

Allowable Subject Matter

5. Claims 2-5, 8 and 9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kurita (JP 08286549) disclose changing a copying speed based on the number of copying sheets.

Sessink (US 4,348,102) disclose a control system that regulates the quantity of receiving material transported to a fixing device per unit of time.

Takano et al. (US 5,289,247) disclose changing a feed interval.

Sato et al. (US 5,875,373) disclose a control that controls the quantity of recording medium passing a fixing position per unit time.

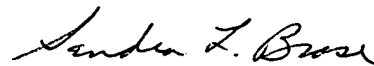
JP 6-27855, JP 6-186875, 4-57067, JP 4-86678, JP 4-174457, JP9-80968 and JP 7-191571 were cited in the European Search Report for the PCT on which this application is based, where this search report is contained in the present application, and as such, no copies of these references will be provided (M.P.E.P. 707.05(a)).

Contacts \ Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (703) 308-0725.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (703) 308-1373. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431 or 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Sandra L. Brase
Primary Examiner
Art Unit 2852

June 25, 2002